

From: John
To: Microsoft ATR
Date: 1/25/02 11:53am
Subject: Microsoft Settlement

Hello,

Just wanted to comment quick on the Microsoft issue. From my understanding, no where in the settlement is Microsoft obligated to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry. This alone makes the proposed settlement a bad idea. Microsoft seems to be able to get away with anything they want, and as a software developer myself, I'm tired of it. Here's a typical Microsoft ploy from an article I read (<http://msn.com.com/2100-11-503840.html?legacy=zdn>). I quoted part of the article:

Question:

"Does Microsoft plan to make more of its source code available to customers? You already do that with Windows; do you plan to expand that in any way to the applications?"

[Answer From Mr. Gates:]

We have some very cool tools now where we don't have to ship you the source. You can debug online, through the Internet. So it means you don't have to get a bunch of CDs. If you really want it for debugging and patching things, we can do that through the Internet. That's a real breakthrough in terms of simple source access. I don't know that anyone has ever asked for the source code for Word. If they did, we would give it to them. But it's not a typical request."

I requested the source code for Word, and after several e-mails with a representative of Microsoft this was the final answer I received:

"Hello John,

Please except my apology for the delay in our response. I have done quite a bit of research to find out what our exact position on our Source Code is and I have come up with quite a bit of information for you. Due to the article you have listed below, Microsoft actually did open its Source Code to certain companies that partner with Microsoft. I have found that Microsoft's position on Source Code is Shared Source NOT Open Source meaning that we only release the Source Code to Specific companies and not to the general public.

Here are a few Official Microsoft Documents that I found regarding this issue that you are more than welcome to read.

<http://www.microsoft.com/presspass/exec/craig/05-03sharedsource.asp>
<http://www.microsoft.com/PressPass/features/2001/may01/05-03csm.asp>
<http://www.microsoft.com/BUSINESS/licensing/sharedsource.asp>
<http://www.microsoft.com/BUSINESS/licensing/sscommitment.asp>

I apologize that I am not able to fulfill your specific request but I hope that I have given you the information explaining why.

Thanks again for your interest in our products,

Calvin

Microsoft.com Products Web Feedback Team

Microsoft Corporation"

My response to that which never was replied to follows:

"Hi,

I just wanted to thank you for taking time to acknowledge my reply and giving me further information on the issue. I know that like everyone else you're swamped with work. The only issue I have with this is that when the president of the largest software company makes a public statement he should stand behind it. I guess my point is this. If someone at Microsoft makes a statement that if a person asks for something that they'd be more than happy to give it to them that's an important statement; whether it's from a customer service person on the phone, or a technical support person giving some help. But as often happens with companies sometimes people that are new, or are not aware of policies offer things that they really shouldn't be doing. From that perspective it's frustrating to the customer, but at times can be overlooked. However, when the president of a company does the same thing I believe that his statement should hold much more weight. After all, he's running the proverbial ship. If the company won't stand behind what the president states (in this case Mr. Gates) in a public interview, then I believe that he's misrepresenting his company. If as a small business owner I tell my client that I will give him software I'm developing for free, but then when he asks for it I tell him only certain people may get it he's going to question my ability to come through in the future. As a small business person I can't afford to do that because I would lose a client. If Mr. Gates did this when he first started perhaps he would not have grown his business to what it is today. I believe just because Microsoft is such a large company that they take advantage of this and their customers. I believe this leaves a bad feeling amongst many people in the community. If you can't go by someone's word, well it's hard to go by anything. In any event, that's just my opinion, a small businessman who runs a company with his wife whose word to his clients is the only thing that allows him to keep his clients. I wish larger companies would follow the same principles. Thanks again for your time and effort in providing me the information you did.

Sincerely,
John"

So to sum that up, on one hand Mr. Gates in a public interview states he will give the source code away if someone asks for it, but when a person asks for it, that person is told only certain people will get it. Microsoft seems to always be talking a "different game" as opposed to what they actually do. Please do not accept the tentative settlement. Thank you.

Sincerely,
John Quinn